

REMARKS

Applicants disagree with the Examiner's summary of the invention, particular that the "hybrids are planted in blocks of rows, and wherein the seeds produced by said hybrids are separately harvested." The invention, as claimed, us to a method of planting in which the two hybrids are interplanted and the resulting maize seed harvested together.

Claims 1-7 and 11-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearlstein, et al. (US 5,675,064) in view of Bergquist, et al. (US 5,706,603) further in view of Nagle, et al. (US 5,954,883). Pearlstein teaches starch obtained from a grain produced by crossing a double mutant aewx by either su1wx, duwx, or sh1wx. In contrast, the present invention discloses the crossing of two hybrids, one of which is waxy maize and the other which is homozygous recessive for the sugary-2 allele. Pearlstein does not teach the planting of these hybrids nor does he teach the sugary-2 allele.

Bergquist, et al. teaches the crossing of two hybrids, one of which has been rendered male sterile. However, Bergquist also does not disclose the crossing of two hybrids, one of which is waxy maize and the other which is homozygous recessive for the sugary-2 allele. Bergquist does teach interplanting of the hybrids and separate harvesting of the grain.

Nagle teaches the crossing of two hybrids, one of which is waxy maize and the other which is homozygous recessive for the sugary-2 allele. However, Nagle does not teach the interplanting of such hybrids nor the separate harvesting of the grain.

One skilled in the art would not combine Bergquist with Pearlstein and Nagle to obtain the present invention. Bergquist teaches enhancement in a grain trait (oil content) while Pearlstein and Nagle teach a decrease in the grain trait, for example that exhibited by the sugary-2 gene. Thus, one would not look towards the methods of Bergquist to arrive at the presently claimed decrease in a grain trait and the rejection has been overcome.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



Karen G. Kaiser
Attorney for Applicants
Reg. No. 33,506

National Starch and Chemical Company
P.O. Box 6500
Bridgewater, NJ 08807-0500
(908) 575-6152

Dated: 28 May 04